

~~SECRET~~

unsealed 11/2/10

FILED
OCT 22 2010
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY

OR

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

July 2010 Grand Jury

TUCR 4246 JM

UNITED STATES OF AMERICA,) Case No. _____
 Plaintiff,) I N D I C T M E N T
 v.) Title 18, U.S.C., Sec. 2339A(a) -
 BASAALY SAEED MOALIN (1),) Conspiracy to Provide Material
 MOHAMED MOHAMED MOHAMUD (2),) Support to Terrorists; Title 18,
 aka "Mohamed Khadar") U.S.C., Sec. 2339B(a)(1) -
 aka "Sheikh Mohamed") Conspiracy to Provide Material
 ISSA DOREH (3),) Support to Foreign Terrorist
 aka "Sheikh Issa") Organization; Title 18, U.S.C.,
 Defendants.) Sec. 956 - Conspiracy to Kill in
) a Foreign Country; Title 18,
) U.S.C., Sec. 1956(h) - Conspiracy
) to Launder Monetary Instruments;
) Title 18, U.S.C., Sec. 2339A(a) -
) Providing Material Support to
) Terrorists

The grand jury charges:

INTRODUCTORY ALLEGATIONS COMMON TO ALL COUNTS

1. Al-Shabaab is a violent and brutal militia group that uses
 2. intimidation and violence to undermine Somalia's Transitional Federal
 3. Government (TFG) and its supporters. On or about February 26, 2008,
 4. the U.S. Department of State designated "Al-Shabaab" as a Foreign
 5. Terrorist Organization (FTO) under Section 219 of the Immigration and
 6. Nationality Act, as amended, and as a Specially Designated Global
 7. Terrorist under Section 1(b) of Executive Order 13224, as amended.

WPC:nlv(1):San Diego
 10/20/10

1 *veig*

1 Al-Shabaab is also known by the following names, among others: al-
2 Shabab; Shabaab; the Youth; Mujahidin al-Shabaab Movement; the Youth
3 Movement; Mujahidin; MYM; Harakat Shabaab al-Mujahidin; Hizbul
4 Shabaab; Hisb'ul Shabaab; al-Shabaab al-Islamiya; al Shabaab al-Islam;
5 al-Shabaab al-Jihaad; Youth Wing; and "the Unity of Islamic Youth."

6 2. Throughout al-Shabaab's war against the TFG and its
7 Ethiopian and African Union supporters, al-Shabaab has used harassment
8 and targeted assassinations of civilians, improvised explosive
9 devices, rockets, mortars, automatic weapons, suicide bombings, and
10 general tactics of intimidation and violence.

11 3. Until his death on or about May 1, 2008, Aden Hashi Ayrow,
12 aka "Shiqalow," aka "Sheikhalow," aka "Muja Dhuub," aka "Slim Limbs,"
13 was a prominent military leader of al-Shabaab. Ayrow called for
14 foreign fighters to join al-Shabaab in a "holy war" against the
15 Ethiopian and other African forces in Somalia. Ayrow's call was
16 echoed by al-Qaeda leadership, including Usama bin Laden and Ayman al-
17 Zawahiri, and fighters from other countries have traveled to Somalia
18 to engage in violent jihad.

19 Count 1

20 CONSPIRACY TO PROVIDE MATERIAL SUPPORT TO TERRORISTS

21 Beginning on a date unknown to the grand jury, and continuing to
22 at least on or about August 5, 2008, within the Southern District of
23 California, and elsewhere, defendants BASAALY SAEED MOALIN, MOHAMED
24 MOHAMED MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed," and ISSA
25 DOREH, aka "Sheikh Issa," did unlawfully and knowingly conspire and
26 agree with each other, and with other persons known and unknown to the
27 grand jury, to provide material support and resources, to wit:
28 currency and monetary instruments, knowing and intending that the

1 material support and resources were to be used in preparation for and
2 in carrying out violations of Title 18, United States Code,
3 Section 956, conspiracy to kill persons in a foreign country, and
4 Title 18, United States Code, Section 2332a(b), conspiracy to use a
5 weapon of mass destruction outside of the United States; all in
6 violation of Title 18, United States Code, Section 2339A(a).

7 Count 2

8 CONSPIRACY TO PROVIDE MATERIAL SUPPORT
9 TO FOREIGN TERRORIST ORGANIZATION

10 Beginning on or about February 26, 2008, and continuing to at
11 least on or about August 5, 2008, within the Southern District of
12 California, and elsewhere, and occurring in and affecting interstate
13 and foreign commerce, defendants BASAALY SAEED MOALIN, MOHAMED MOHAMED
14 MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed," and ISSA DOREH,
15 aka "Sheikh Issa," did unlawfully and knowingly conspire and agree
16 with each other, and with other persons known and unknown to the grand
17 jury, to provide material support and resources, to wit: currency and
18 monetary instruments, to a foreign terrorist organization, namely, al-
19 Shabaab, which has been designated as a foreign terrorist organization
20 since on or about February 26, 2008, knowing that the organization was
21 designated as a terrorist organization (as defined in Title 18, United
22 States Code, Section 2339B(g)(6)) and that the organization had
23 engaged and was engaging in terrorist activity and terrorism; in
24 violation of Title 18, United States Code, Section 2339B(a)(1).

25 //

26 //

27 //

28 //

Count 3

CONSPIRACY TO KILL IN A FOREIGN COUNTRY

3 Beginning on a date unknown to the grand jury, and continuing to
4 at least on or about August 5, 2008, within the Southern District of
5 California, and elsewhere, defendants BASAALY SAEED MOALIN, MOHAMED
6 MOHAMED MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed," and ISSA
7 DOREH, aka "Sheikh Issa," did unlawfully and knowingly conspire and
8 agree with each other, and with other persons known and unknown to the
9 grand jury, to commit acts outside the United States that would
10 constitute the offense of murder if committed in the special maritime
11 or territorial jurisdiction of the United States.

Overt Acts

13 In furtherance of said conspiracy and to effect and accomplish
14 the objects thereof, the following overt acts, among others, were
15 committed within the Southern District of California:

16. On or about December 21, 2007, Aden Hashi Ayrow ("Ayrow")
17. advised defendant BASAALY SAEED MOALIN ("MOALIN") by
18. telephone that he urgently needed several thousand dollars.
19. Defendant MOALIN replied that he would take care of the
20. issue swiftly with "Sheikh Issa."
21. 2. On or about December 21, 2007, defendant MOALIN advised
22. defendant ISSA DOREH ("DOREH") by telephone that "one
23. dollar a day per man" was needed for the forces.
24. 3. On or about January 20, 2008, after telling defendant
25. MOALIN that "we planted a land mine" for an individual "who
26. was traveling on that road; he was almost hit," Ayrow
27. instructed defendant MOALIN by telephone to tell "Sheikh

1 Mohamed" that "he must let us know the amount of money we
2 can expect every month, even if it is one hundred dollars."

3 4. On or about February 13, 2008, defendants MOALIN, DOREH and
4 MOHAMED MOHAMED MOHAMUD ("MOHAMUD") caused the transfer of
5 \$2,000 from San Diego, California, to Somalia.

6 5. On or about February 14, 2008, defendant MOALIN told Ayrow
7 by telephone that "Yusuf Mohamed Ali" was the recipient
8 name used to transfer a total of \$2,000 to Ayrow.

9 6. On or about April 12, 2008, Ayrow told defendant MOALIN by
10 telephone that "it is time to finance the jihad."

11 7. On or about April 12, 2008, defendant MOALIN told an
12 individual by telephone that "to eliminate those men . . .
13 we must send someone to talk to the people . . . we can
14 find thirty men who can pay small amounts."

15 8. On or about April 17, 2008, defendant MOALIN told defendant
16 MOHAMUD by telephone that "calls are coming from the man"
17 and that defendant MOHAMUD should hold back twenty or
18 thirty trusted people at the mosque to tell them to
19 contribute money.

20 9. On or about April 23, 2008, defendants MOALIN, DOREH and
21 MOHAMUD caused the transfer of \$3,000 from San Diego,
22 California, to Somalia.

23 10. On or about April 24, 2008, defendant MOALIN advised Ayrow
24 by telephone that the "three bundles" [code for \$3,000]
25 were sent from San Diego via Amal.

26 //

27 //

28 //

1 11. On or about July 8, 2008, defendant DOREH advised defendant
2 MOALIN by telephone that the money had been sent, and that
3 "Dhunkaal Hersi" was the code name used as the recipient's
4 name.

5 12. On or about July 13, 2008, after being advised by uncharged
6 co-conspirator #1 in Somalia that it was difficult to
7 replace ammunition and that each rocket-propelled grenade
8 cost \$270, defendant MOALIN told uncharged co-conspirator
9 #1 by telephone that "five cartons" [code for \$5,000] were
10 on their way, but would be broken into several transfers.

11 13. On or about July 15, 2008, defendant DOREH caused the
12 transfer of \$2,280 from San Diego, California, to Somalia.

13 14. On or about July 23, 2008, defendant MOALIN caused the
14 transfer of \$1,650 from San Diego, California, to Somalia.

15 All in violation of Title 18, United States Code, Section 956.

16 Count 4

17 CONSPIRACY TO LAUNDER MONETARY INSTRUMENTS

18 Beginning on a date unknown to the grand jury, and continuing to
19 at least on or about August 5, 2008, defendants BASAALY SAEED MOALIN,
20 MOHAMED MOHAMED MOHAMUD, aka "Mohamed Khadar," aka "Sheikh Mohamed,"
21 and ISSA DOREH, aka "Sheikh Issa," did unlawfully and knowingly
22 conspire and agree to transmit and transfer monetary instruments and
23 funds from a place in the United States to a place outside the United
24 States, to wit: Somalia, with the intent to promote the carrying on
25 of specified unlawful activities, to wit: providing material support
26 to a foreign terrorist organization, in violation of Title 18, United
27 States Code, Section 2339B(a)(1); providing material support to
28 terrorists, in violation of Title 18, United States Code,

1 Section 2339A(a); and conspiracy to kill persons in a foreign country,
2 in violation of Title 18, United States Code, Section 956; all in
3 violation of Title 18, United States Code, Sections 1956(a)(2)(A)
4 and (h).

5 Count 5

6 PROVIDING MATERIAL SUPPORT TO TERRORISTS

7 On or about January 3, 2008, within the Southern District of
8 California, and elsewhere, defendant BASAALY SAEED MOALIN, did
9 unlawfully and knowingly provide and attempt to provide material
10 support and resources, to wit: a house in Somalia, knowing and
11 intending that the material support and resources were to be used in
12 preparation for and in carrying out a violation of Title 18, United
13 States Code, Section 956, conspiracy to kill persons in a foreign
14 country; all in violation of Title 18, United States Code,
15 Section 2339A(a).

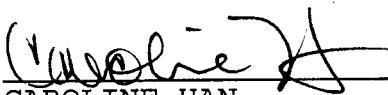
16 DATED: October 22, 2010.

17 A TRUE BILL:

18 
19 Foreperson

20 LAURA E. DUFFY
21 United States Attorney

22 By: 
23 WILLIAM P. COLE
24 Assistant U.S. Attorney

25 By: 
26 CAROLINE HAN
27 Assistant U.S. Attorney